

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. ATTORNEY
FOR THE S.D.N.Y.

DEC 03 2010

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WHITE PLAINS OFFICE

UNITED STATES OF AMERICA,

- v. -

DONALD ROTH,

Defendant.

: 09 Civ. 8712,
: S7 02 Cr. 1503 (SCR) (LMS)

STATE OF NEW YORK)
COUNTY OF WESTCHESTER : ss.:
SOUTHERN DISTRICT OF NEW YORK)

GLENN COLTON, pursuant to Title 28, United States Code, Section 1746,

hereby declares:

1. I am an attorney in private practice. I formerly was an Assistant United States Attorney in the Southern District of New York. In 2003 and 2004, I was one of the AUSAs who represented the Government in United States v. David St. John and Donald Roth,

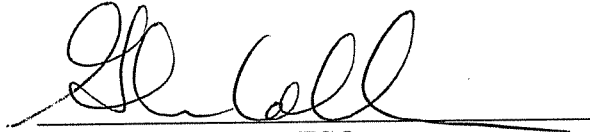
S7 02 Cr. 1503 (SCR). I was the AUSA primarily responsible for, among other things, preparing Charles "Flip" Melvin to testify at the trial of United States v. David St. John and Donald Roth (the "Trial"), and I conducted the direct examination of Melvin at the Trial.

2. I was present for numerous proffer sessions, debriefings, and trial preparation sessions of Melvin leading up to Melvin's testimony. I understood the Government's obligation to disclose to the defendants promises made by the Government to Melvin. I do not recall any discussion during these meetings of any promised payment to Melvin to be paid following his testimony at the Trial. To my knowledge, the Government made no promises to Melvin in exchange for Melvin's cooperation or testimony, apart from the

obligations set forth in Melvin's plea agreement.

3. I was aware of payments the Government chose to make to Melvin during his cooperation. I and the other members of the trial team requested that ATF and the Victim/Witness Coordinator for the United States Attorney's Office for the Southern District of New York provide information regarding payments made to Melvin. The information regarding payments that we received was disclosed to the defense prior to the time Melvin took the stand at the Trial pursuant to Title 18, United States Code, Section 3500 and/or Giglio v. United States.

Dated: December 1, 2010
New York, New York



GLENN COLTON, ESQ.